

REMARKS

The Official Action of October 4, 2005, and the prior art cited and applied therein have been carefully studied. The claims in the application are now claims 1, 2, 4-8, 10 and 11, and these claims define patentable subject matter warranting their allowance. Accordingly, the applicant respectfully requests favorable reconsideration and allowance.

Acknowledgement by the PTO of the receipt of applicants' papers filed under Section 119 is noted.

Restriction has been required between what the PTO deems to be two patentably distinct inventions. Applicant now accepts that the two inventions are indeed patentably distinct from one another, and applicant affirms the oral election of Group I originally claims 1-8, now claims 1, 2, 4-8, 10 and 11, without traverse.

Non-elected Group II claim 9 has now been deleted without prejudice to applicants rights, including those rights provided by Sections 121, 120 and 119.

New claims 10 and 11 have been added, with claim 10 being a second independent claim. Support is clear, such as from Fig. 1 and the description. These claims are patentable

for the reasons pointed out below in conjunction with applicant's remarks in Reply to the rejections of record.

Claims 1-6 have been rejected under Section 102 as being anticipated by Mizutani USP 5,602,432 (Mizutani), especially Fig. 8 thereof. This rejection is respectfully traversed.

The rejection indicates that Mizutani teaches the vibrator comprising: the coreless coil 2; the driver including the magnet 3 inserted in the coreless coil, with a T-shaped yolk 30a (Fig. 9) sandwiching the coreless coil 2 and opposing the magnet and the top plate 46b; and the suspensions 4a and 4b (picture frame leaf springs) each surrounding and resiliently carrying the driver, as shown in Fig. 8, in which the alternate current is applied to the coreless coil to generate vibrations by reciprocation of the driver in the axial direction of the coreless coil, as described at column 12, lines 6 to 10.

However, in the driver supporting structure disclosed in Mizutani, the top portion of the T shaped outer yoke 30a is sandwiched by the rectangular leaf springs 4a and 4b which are disposed above and below the yoke 30a, each having circular holes as shown in Figs. 8 and 9, through which pass screws 5 by which the leaf springs 4a and 4b are fixedly connected to the yoke 30a (left side in Figs. 7-9). The

opposite side sections of the picture-frame leaf springs 4a and 4b are sandwiched between the bar-forming plate 46a and 46c and are fastened by screws 5 (right side in Figs. 7-9). The base side sections of the leaf springs 4a and 4b are sandwiched between the bar-forming section 46b and the spacer 10 and fixed to the base 1 by the screws 5 (see columns 6 and 7, Figs. 8 and 9).

In this way, Mizutani discloses the structure in which the magnet 3 and the yoke 30a (including the inner yoke 30b) are supported by the two encompassing picture-frame leaf springs 4a and 4b which are disposed above and below the magnet 3 and the yoke 30a. The upper and lower picture-frame leaf springs 4a and 4b are united at one end (the left end in the figures) with the T-shaped 30a and are capable of moving up and down as a unit, whereas the opposite end thereof (the right end in the figures) is rigidly fixed, with the coil 2 and magnet 3 therebetween.

This is clearly a very different structure than applicant's structure.

Claim 1 of the present application recites a suspension which comprises a pair of right and left plate springs, in which the driver is supported between the open ends of the pair of right and left plate springs. Thus, opposite (both) ends of the driver are supported by at least

one pair of right and left plate springs. Similar subject matter is recited in new claim 10.

Because of the construction recited in claims 1 and 10, constantly stable vibrations can be accomplished, i.e. displacement of the driver is uniform, whereas in Mizutani vibrations cause displacement at one side of the driver to be greater than the other side where the plate springs 4a and 4b are rigidly fixed (right hand side of the Figs. 7-9 drawings of Mizutani). The claimed structure of the present invention thus provides improved functioning.

In addition, because the driver need be supported by only the pair of plate springs in the present invention, the bar-forming plates 46a, 46b and 46c, and the screws of Mizutani are not required at all in the present invention, thus accomplishing a simplified supporting structure for the driver.

Withdrawal of the rejection is in order and is respectfully requested.

Claims 7 and 8 have been rejected under Section 103 as obvious from Mizutani. This rejection is respectfully traversed.

Because claims 7 and 8 depend from and incorporate the subject matter of claim 6 which incorporates claim 1, the points raised above are respectfully repeated by reference.

There is no evidence in the record that it would have been obvious to a person of ordinary skill in the art at the time the present invention was made to have altered or modified the structure of the Mizutani device to reach the subject matter of claim 1, let alone claims 7 and 8.

Insofar as the dependent portions of claims 7 and 8 are concerned, no additional prior art has been cited, and it appears that the PTO is relying on "official notice" which applicant cannot accept. With respect, applicant should be able to face and address any prior art which might show the features of the dependent portions of claims 7 and 8, so that applicant would have an opportunity to rebut such prior art. In this regard, applicant respectfully relies on the last sentence of the first paragraph of MPEP 2143 which explicitly states that to establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest **all** the claim limitations." (emphasis added)

Regardless, however, applicant respectfully reverts to the first and main point made above, namely that there is nothing in the prior art insofar as is known which would have taught the person of ordinary skill in the art to modify the Mizutani structure to that of applicant's claim 1 part of claims 7 and 8.

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Amd. dated January 3, 2006
Reply to Office Action of October 4, 2005

Withdrawal of the rejection is in order and is respectfully requested.

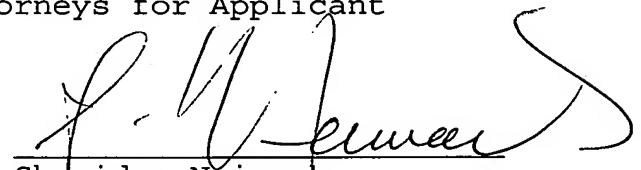
The prior art documents cited but not applied by the PTO have been noted, along with the implication that such documents are deemed by the PTO to be insufficiently material to warrant their application against any of applicants' claims.

Applicant believes that all issues raised in the Official Action have been addressed above in a manner which should lead to patentability of applicant's claims. Accordingly, applicant respectfully requests favorable reconsideration and allowance.

Respectfully submitted,

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